

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

B.P., a minor, by and through their
parent, L.P., C.L., a minor, by and
through their parent, K.L, O.D., a
minor by and through their parent,
N.D., R.J., a minor, by and through
their parent, H.J., L.H., a minor by
and through their parent, S.H., O.P,
a minor, by and through their parent,
S.P., E.H., a minor, by and through
their parent, M.H., L.S., a minor
by and through their parent, B.P.,
G.E., a minor, by and through their
parent, A.E., M.B., a minor, by and
through their parent, R.B., G.A., a
minor, by and through their parent,
A.A., each a minor resident of the
North Allegheny School District
attending a North Allegheny School
District or a parent of the same,

Plaintiffs,

v.

NORTH ALLEGHENY SCHOOL
DISTRICT, a Pennsylvania
governmental entity, ANDREW
CHOMOS, MARCIE CROW,
ELIZABETH BLACKBURN,
RICHARD MCCLURE, SCOTT E.
RUSSELL, ALLYSON MINTON,
KEVIN MAHLER, ELIZABETH
WERNER, and SHANNON YEAKEL,
all individual elected officials sued in
their individual capacity and in their
capacity as members of the NORTH
ALLEGHENY SCHOOL DISTRICT
BOARD OF DIRECTORS,
a Pennsylvania elected legislative body,

Defendants.


2:21-cv-1112

Judge Marilyn J. Horan

ORDER OF THE COURT

AND NOW, this DATE day of MONTH, 2021, upon consideration of Defendants’
Motion to Dismiss Plaintiffs’ Complaint (ECF No. 29), Defendants’ Brief in Support (ECF No.
30), Plaintiffs’ Response to Defendants’ Motion to Dismiss (ECF No. 34), Plaintiffs’ Brief in

Opposition to Plaintiffs' Motion to Dismiss (ECF No. 35), Defendants' Reply (ECF No. 36), Plaintiffs' Sur-Reply (ECF No. 42), and Defendants' Response to Plaintiffs' Sur-Reply (ECF No. 43), it is hereby ORDERED, ADJUDGED, and DECREED that said Motion is hereby GRANTED. The Plaintiffs' Complaint (ECF No. 1) is hereby dismissed. In addition, the individual Defendants are dismissed in their official and individual capacities. Plaintiffs are granted leave to file an Amended Complaint with regard to their Count II Substantive Due Process claim and Count II State Created Danger claim by January 26, 2022. If Plaintiffs file an Amended Complaint, the Defendants shall file their responsive pleading within 14 days of Plaintiffs' filing of an Amended Complaint, or by February 9, 2022, whichever occurs first.


Marilyn J. Horan
United States District Judge